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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2011-19**

13 **LEONA BERNICE BOHLING,**
14 **a.k.a. LEONA BERNICE MARTIN,**
15 **a.k.a. LEONA BERNICE WRIGHT**
16 **3306 S. Santa Fe**
17 **Chanute, KS 66720**
18 **Registered Nurse License No. 619308**

ACCUSATION

Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
23 Department of Consumer Affairs.

24 2. On or about June 6, 2003, the Board issued Registered Nurse License Number
25 619308 to Leona Bernice Bohling, also known as Leona Bernice Martin and Leona Bernice
26 Wright ("Respondent"). Respondent's registered nurse license expired on February 28, 2005.

27 **STATUTORY PROVISIONS**

28 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
the Board may discipline any licensee for any reason provided in Article 3 (commencing with
section 2750) of the Nursing Practice Act.

1 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
2 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
3 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
4 (b), the Board may renew an expired license at any time within eight years after the expiration.

5 5. Code section 2761 states, in pertinent part:

6 The board may take disciplinary action against a certified or licensed
7 nurse or deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the
9 following:

10

11 (4) Denial of licensure, revocation, suspension, restriction, or any other
12 disciplinary action against a health care professional license or certificate by another
13 state or territory of the United States, by any other government agency, or by another
14 California health care professional licensing board. A certified copy of the decision
15 or judgment shall be conclusive evidence of that action . . .

13 **COST RECOVERY**

14 6. Code section 125.3 provides, in pertinent part, that the Board may request the
15 administrative law judge to direct a licensee found to have committed a violation or violations of
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case.

18 **CAUSE FOR DISCIPLINE**

19 **(Disciplinary Action by the Kansas State Board of Nursing)**

20 7. Respondent is subject to disciplinary action pursuant to Code section 2761,
21 subdivision (a)(4), on the grounds of unprofessional conduct, as follows: On or about August 2,
22 2009, pursuant to the Initial Order issued by the Administrative Law Judge ("ALJ") in the
23 disciplinary action titled *In the Matter of Leona B. Bohling, License No. 13 082107 012*,
24 Respondent's license to practice registered nursing in the State of Kansas was revoked. A true

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1 and correct copy of the Initial Order is attached hereto as exhibit A and incorporated herein. The
2 ALJ made the following findings:

3 a. While employed as a nurse at a Topeka correctional facility, Respondent called in an
4 unauthorized prescription for Lortab for herself. The prescription was called in under the name of
5 an ARNP on staff at the correctional facility.

6 b. The information set forth above was reported to the Kansas State Board of Nursing
7 and Respondent was referred to the Kansas Nurse Assistance Program (KNAP). Respondent
8 entered into a Statement of Understanding with the KNAP on June 23, 2008.

9 c. Respondent was diagnosed as opiate dependent and a treatment plan was devised for
10 her.

11 d. By a letter dated September 11, 2008, KNAP closed Respondent's case with them for
12 non-compliance. Respondent does not deny that she failed to complete her agreement with
13 KNAP.

14 e. Respondent was deemed to have violated the Kansas Nurse Practice Act by being
15 unable to practice with skill and safety due to abuse of drugs or alcohol, by failing to comply with
16 her agreement with the Impaired Provider Program, and by fraudulently calling in prescriptions,
17 which was an act beyond the level authorized by her license.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 619308, issued to Leona
22 Bernice Bohling, also known as Leona Bernice Martin and Leona Bernice Wright;

23 2. Ordering Leona Bernice Bohling, also known as Leona Bernice Martin and Leona
24 Bernice Wright, to pay the Board of Registered Nursing the reasonable costs of the investigation
25 and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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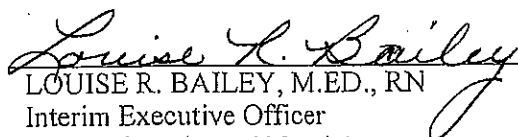
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3. Taking such other and further action as deemed necessary and proper.

DATED: 7/7/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A
INITIAL ORDER

FILED

JUL 2 2009

KSBN

BEFORE THE KANSAS STATE BOARD OF NURSING

IN THE MATTER OF
Leona B. Bohling
License No. 13 082107 012

Case No. 07 122 8
OAH No. 09BN0078

INITIAL ORDER

This matter comes on for hearing on May 19, 2009 before the Kansas State Board of Nursing. Sandra L. Sharon is duly appointed as Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing (Board), appears by Assistant Attorney General, Alma A. Heckler, Disciplinary Counsel for the Board. The Respondent, Leona Bohling, appears in person.

Findings of Fact

1. While employed as a nurse at a Topeka correctional facility, the respondent called in an unauthorized prescription for Lortab for herself. The prescription was called in under the name of an ARNP on staff at the correctional facility.
2. This information was reported to the Kansas State Board of Nursing and the respondent was referred to the Kansas Nurse Assistance Program (KNAP). The respondent entered into a Statement of Understanding with the KNAP on June 23, 2008.
3. The respondent was diagnosed as opiate dependent and a treatment plan was devised for her.
4. By a letter dated September 11, 2008, KNAP closed the respondent's case with them for non-compliance. The respondent does not deny that she failed to complete her agreement with KNAP.

Conclusions of Law

1. The Board has authority to deny, revoke, limit, or suspend a license to practice nursing in the State of Kansas pursuant to Kansas Statutes Annotated (K.S.A.) 65-1120.
2. Disciplinary action can be taken against a license under many circumstances, including:
 - Unable to practice with skill and safety due to current abuse of drugs or alcohol. K.S.A. 65-1120(a)(4).
 - Unprofessional conduct by failing to complete the requirements of the Impaired Provider Program of the Board, K.S.A. 65-1120(a)(6) and Kansas Administrative Regulation (K.A.R.) 60-3-110(s).

• Unprofessional conduct by performing acts beyond the authorized scope of the level of nursing for which an individual is licensed. K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(a).

Conclusions

1. The respondent has violated the Kansas Nurse Practice Act by being unable to practice with skill and safety due to abuse of drugs or alcohol and by failing to comply with her agreement with the Impaired Provider Program.
2. Further, the respondent has violated the Kansas Nurse Practice Act by fraudulently calling in prescriptions, which is an act beyond the level authorized by her license.
3. The Board's Petition to Revoke the respondent's license is hereby granted.
4. Cost of this action shall be assessed against the respondent in the amount of \$70.00 pursuant to K.S.A. 65-1120(d).

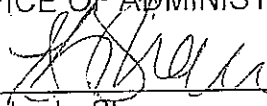
Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed within 15 days from the date this initial order was served. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.

Pursuant to K.S.A. 77-530, if a request for review is not made in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

OFFICE OF ADMINISTRATIVE HEARINGS



Sandra L. Sharon
Presiding Officer
Office of Administrative Hearings



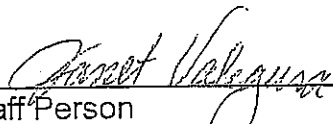
I do hereby certify the
foregoing to be a true copy
of the document which
is on file or is of record
in my office

CERTIFICATE OF SERVICE

On July 2, 2009, I mailed a copy of this document to:

Leona B. Bohling
1735 NW Lyman Rd., Lot 8
Topeka, KS 66608

Mary Blubaugh, Executive Director
Alma A. Heckler, Assistant Attorney General
Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612



Staff Person
Office of Administrative Hearings

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

FILED

JAN 09 2009

KSBN

IN THE MATTER OF
LEONA B. BOHLING
License No. 13-082107-012

Case No. 07-122-8

PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Alma A. Heckler, and for its cause of action states that:

1. Respondent is licensed to practice nursing in Kansas through 1/31/2010. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 1735 NW Lyman Rd Lot 8, Topeka, KS 66608.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

FACTS COMMON TO ALL COUNTS

5. The facts below are common to all counts:

(a) Respondent was referred to the Kansas Nurse Assistance Program by the Kansas Board of Nursing (KBON) on or about April 23, 2008. Respondent admitted to calling in a

prescription for hydrocodone without authorization in January 17, 2007 and was terminated from her employment with Correct Care Solution. Respondent signed a Statement of Understanding on or about 6/23/08 with KNAP.

(b) Respondent was referred to the New Dawn Wellness and Recovery Center in Topeka, Kansas for out patient treatment on or about May 9, 2008. The Respondent admitted to an addiction to opiates. Her prognosis was guarded and the facility took no position on her safety to practice.

(c) On or about September 11, 2008, Respondent's case was closed for non-compliance by KNAP. Respondent did not attend monthly monitoring meetings, did not produce proof of 12 step attendance, Respondent missed counseling sessions and has outstanding KNAP fees.

VIOLATIONS

6. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(s), failing to complete the requirements of the impaired provider program of the board.

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(a) Performing acts beyond the authorized scope of the level of nursing for which the individual is licensed.

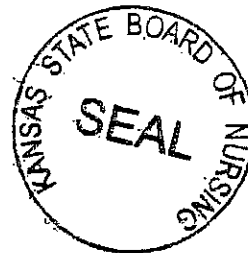
WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent's license to practice nursing in Kansas be revoked, and that costs of this action be assessed to the respondent in the amount of \$70.00.

Respectfully submitted,

Stephen N. Six
Kansas Attorney General

By: _____

Alma A. Heckler, #11555
Assistant Attorney General



I do hereby certify the
foregoing to be a true copy
of the document which
is on file or is of record
in my office